

REMARKS

Claims 1-47 were previously presented in the application. Claims 1-18, 22-29, 34-38 and Claim 47 were previously cancelled. Claims 19, 30, 39, 40, and 45 have been amended. Accordingly, after entry of the present amendment Claims 19-21, 30-33, and 39-46 will be pending.

CLAIM REJECTIONS 35 U.S.C. §112 or §103

Claims 19, 30, 39, 40, and 45 were rejected under 35 U.S.C. §112 as allegedly failing to comply with the written description requirement, or in the alternative under 35 U.S.C. §103 as allegedly being unpatentable over Wendell in view of Hsu.

Applicant has amended independent Claims 19, 30, 39, 40 and 45 to remove from consideration “network connectivity that considers equipment having no native language protocols”.

CLAIM REJECTIONS 35 U.S.C. §103 (maintained)

In view of Applicant’s amendments to remove from consideration “network connectivity that considers equipment having no native language protocols” Applicant’s response is directed to those claim rejections **maintained** by the Examiner. In this regard, the Examiner has rejected Claims 19-21, 30-33 and 39-46 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,616,239 (“Wendell”) in view of U.S. Patent No. 6,363,422 (“Hunter”).

Applicant has amended the claims to further clarify that the invention are not disclosed, taught, suggest, or otherwise made obvious by Wendell and Hunter alone or in combination.

Such features include:

- (1) An electronic data acquisition and control device in communication with a pool or a spa sensor, the control device being configured to detect an error condition in at least one water installation parameter range and generate an error alert when said parameter is outside said range.
- (2) Remote control signals from an electronic data acquisition and control device to one or more water installation control devices to affect a change in water installation parameters.
- (3) An interface between the electronic data acquisition and control device and a remote server for periodically transmitting data to said remote server at a selectable interval for collection and storage on said server.

Some of the support in the specification for the foregoing features is listed below.

(1) ERROR DETECTION AND GENERATION OF AN ERROR ALERT

As indicated in Applicant's original specification on page 7, paragraph 32, "the preferred data acquisition and control system 60 and remote server 100 also include software algorithms for detecting a particular error condition or status, and then alerting a desired recipient via e-mail, direct pager contact or other communication method, and/or activating an audible alarm.

Exemplary error conditions or status include high water temperature (e.g., over 109° F) pH/ORP out of bounds, an open spa cover or pool gate, and that the pool/spa pumps are thermally cycling (running to motor overheat)."

"Two examples of monitored values are illustrated in FIG. 5B, shown as states 96E, 96F. . . . If these parameters are within range, the software continues to check all other conditions, i.e., all other monitored values before transitioning to state 96H. Otherwise, if the parameters are not

with limits, operation jumps to state 96G, and an alert is communicated, e.g., an e-mail or pager to the user, or service personnel.” (Original specification at page 16, paragraph 48, lines 2-7)

**(2) CONTROL SIGNALS FROM DATA ACQUISITION DEVICE TO CONTROL
DEVICE TO AFFECT A CHANGE WATER INSTALLATION PARAMETERS**

In this regard, Applicant discloses, “Although persons of ordinary skill in the art will understand that a variety of commands and combinations thereof may be provided on the menu, the preferred system includes, by way of example, commands such as changing SetTemp, adjusting Filter Times, turning Pumps ON/OFF, switching modes, etc. . . . At state 94F, the HTTP server causes the desired command to be executed on device 60.” (Original specification at page 14, paragraph 46, lines 13-19)

In addition, “For systems permitting “automatic” chemical treatment, those automated aspects of the system can be coordinated with the other control features of the invention to permit “remote” addition of chemicals, etc.” (Original specification at page 8, paragraph 33, lines 20-22)

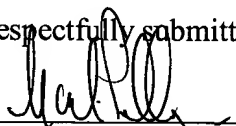
**(3) PERIODICALLY TRANSMITTING DATA TO SAID REMOTE SERVER AT A
SELECTABLE INTERVAL FOR COLLECTION AND STORAGE ON SAID SERVER**

In this regard, “In a preferred embodiment, a remote server 100 (FIG. 2) is used to collect and maintain data for periods greater than for which the data is stored in system 60 (i.e., if the “local” data storage period is the preceding 24 hours, data previous to that 24 hours is stored on remote server 100). The server 100 collects the information from the data acquisition and control system 60 . . . at an appropriate and/or selectable interval (such as daily), storing the files in appropriate locations for future retrieval.” (Original specification at page 7, paragraph 31, lines 10-17)

In view of the amendments and remarks set forth above, it is thought that the application including claims 19-21, 30-33 and 39-46 are now in condition for allowance, notice whereof is respectfully requested of the Examiner.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any remaining or new issues regarding this communication, the Examiner is invited to contact the undersigned representative of Applicants at (949) 718-6750.

Respectfully submitted,



Date: May 30, 2006

Mark A. Pellegrini
Reg. No. 50,233
J. Mark Holland & Associates,
a Professional Law Corporation
3 Civic Plaza, Suite 210
Newport Beach, California 92660
Telephone: 949-718-6750
PTO Customer Number 21,259

JMH/map

Z:\WinWord\VTI\P2702\responsetonon-finalOAof112905.doc